



DEPARTMENT OF THE ARMY  
HEADQUARTERS UNITED STATES ARMY FORCES COMMAND  
1777 HARDEE AVENUE SW  
FORT MCPHERSON GEORGIA 30330-1062

REPLY TO  
ATTENTION OF

AFLG-PR

27 April 2001

MEMORANDUM FOR ALL FORSCOM DOCS

SUBJECT: Contracting Information Letter (CIL) 01-20

1. This CIL contains information on the following subjects:

- a. Requests for Contracting Officer Warrants Above the Simplified Acquisition Procedures Threshold
- b. Certification and CON 204, Intermediate Cost and Price Analysis
- c. Documenting Experience on Acquisition Career Record Briefs (ACRBs)
- d. Subcontracting Plan Evaluation Guide
- e. Federal Contractor Employees and Union Rights

2. Requests for Contracting Officer Warrants Above the Simplified Acquisition Procedures Threshold.

a. Section 808 of the National Defense Authorization Act requires an individual to have earned a baccalaureate degree (in any discipline) plus 24 semester hours of business related courses to be eligible for a Contracting Officer's warrant above the Simplified Acquisition Procedures (SAP) threshold. This is in addition to being certified at the applicant's current level. This only concerns warrants issued after 1 October 2000.

b. Effective immediately, when requesting a warrant above the SAP threshold, please provide a copy of the individual's automated ACRB. If Section VII, Education, does not show a baccalaureate degree and 24 semester hours in a business discipline, a college diploma and/or college transcripts must be provided. If transcripts are provided, please indicate which courses are within the business discipline IAW CIL 93-34. It may be necessary to provide course descriptions to substantiate that the course is, in fact, within the business discipline. Also, if Section X, Certifications/Licenses, does not show the certification level, please provide the certification certificate.

c. Effective 1 October 2001, requests for warrants above the SAP threshold will not be processed unless the ACRB shows the individual's certification level, their type of degree, plus the 24 business hours.

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d. For additional information, please contact Clyde Thomas at DSN 367-6372 or [thomasw@forscom.army.mil](mailto:thomasw@forscom.army.mil).

3. Certification and CON 204 (Intermediate Cost and Price Analysis). There has been some confusion concerning certification at Level II in Contracting after 1 October 1994 for those who have not completed the Intermediate Cost and Pricing course (CON 204). We have received the following ruling from the Acquisition Career Management Advocate (ACMA) for the Southern Region. CON 204 became mandatory for certification at Level II in Contracting beginning 1 October 1994. If an individual met the criteria for Level II certification prior to 1 October 1994 but was not certified before that date (or is unable to provide proof they were certified) they must now complete the course before certification can be made. In other words, to be certified today, today's standards must be met. For additional information, please contact Clyde Thomas at DSN 367-6372 or [thomasw@forscom.army.mil](mailto:thomasw@forscom.army.mil).

4. Documenting Experience of Acquisition Career Record Briefs (ACRBs). If an individual is claiming to be "grandfathered" (at least 10 years of acquisition experience as of 1 October 1991) in lieu of the formal education requirements of DAWIA, their ACRB must indicate so in Section VII (Education) and it also must be detailed in Section IX (Assignment History). For additional information, please contact Clyde Thomas at DSN 367-6372 or [thomasw@forscom.army.mil](mailto:thomasw@forscom.army.mil).

5. Subcontracting Plan Evaluation Guide.

a. This guidance supersedes CIL 97-5, paragraph 3.

b. The attached modified/revised AFARS Appendix CC, Subcontracting Plan Evaluation Guide, is enclosed. Revisions incorporate the requirement for goals for subcontract awards to Woman Owned Small Businesses (WOSB) and Hub Zone Small Businesses. This Appendix shall be used to evaluate all subcontracting plans, except those for commercial items, IAW AFARS 19.705-4.

c. This modification/revision was completed by the FORSCOM Small and Disadvantaged Business Office (SADBU) and has been approved by the PARC, as delegated in the introduction of Appendix CC, paragraph CC-104. For additional information, please contact Gail Burrell at DSN 367-6787 or [burrellg@forscom.army.mil](mailto:burrellg@forscom.army.mil).

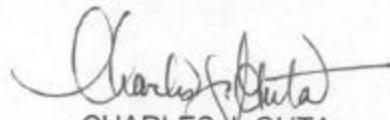
6. Federal Contractor Employees and Union Rights. Federal contractors must inform their employees that they have the right not to join a union, and to limit the amount they

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pay in union dues, according to a recent Executive Order. Issued the same day as Executive Order 13203, which dissolved the National Partnership Council, Executive Order 13201 mandates the notice federal contractors must give their employees about their right not to pay certain union dues or fees. Under E.O. 13201, federal agencies must include in their contracts the following provisions: (1) During the term of the contract, the contractor will post a conspicuous notice stating that employees cannot be required to join a union or maintain membership in a union in order to keep their jobs; and (2) The contractor's notice will also advise employees that in certain cases, the law allows a union and an employer to enter into an agreement requiring employees to pay periodic dues and initiations fees, but that employees who are not union members can only be required to pay costs relating to collective bargaining, contract administration, and grievance adjustment. Non-union member employees cannot be required to pay other costs, and are entitled to reduced dues and fees. Contractors who fail to comply with these notice provisions may have their contracts cancelled, terminated, or suspended. The same notice language must also be included in all federal subcontracts. E.O. 13201 was published in the February 22, 2001 Federal Register, Vol. 66, No. 36, pp. 11219-11224. For additional information, please contact Ms. Henrietta White at DSN 367-7140 or [Henrietta.white@forscom.army.mil](mailto:Henrietta.white@forscom.army.mil).

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CHARLES J. GUTA

Colonel, AC

Chief, Contracting Division, DCSLOG

Principal Assistant Responsible  
for Contracting

## **APPENDIX CC**

### **SUBCONTRACTING PLAN EVALUATION GUIDE**

#### **PART 1--INTRODUCTION**

##### **CC-100 Purpose.**

The guide, which starts on page CC-2, provides a methodology for uniform and consistent evaluation of subcontracting plans within the Army. It is designed to facilitate compliance with the mandates of Public Law to increase opportunities for small and small disadvantaged businesses.

##### **CC-101 Applicability.**

Except for subcontracting plans for commercial items, use this guide to review all subcontracting plans, including those submitted in response to the conditions described in FAR 19.705-2(d) and DFARS 219.705-2(d). See 19.708(b)(1) for special notices to be inserted in the solicitation regarding submission of subcontracting plans. A copy of the completed evaluation shall be included in the contract file.

##### **CC-102 Goals.**

Contracting officers must place special emphasis on negotiating reasonable goals in subcontracting plans. The goals must be realistic, challenging and attainable. The plan must demonstrate a real commitment to, and an active involvement in, providing subcontracting opportunities for small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns.

##### **CC-103 Scoring.**

Score subcontracting plans in the context of the particular procurement. For instance, in smaller dollar value contracts, it may be impracticable or not cost effective for offerors to take the type of actions that may be appropriate in contracts for larger dollar values. However, in such cases, offerors must still address each element of the guide and discuss what they intend to do regarding each element. Contracting officers shall then assign appropriate point scores.

##### **CC-104 Modification of guide.**

The evaluation guide and scoring system shall not be modified without the approval of the PARC. This approval authority may not be delegated.

##### **CC-105 Use of preaward surveys.**

For contracts administered by the Defense Contract Management Command (DCMC), information needed to assess contractor compliance with subcontracting plans in current and

previous contracts may be obtained by requesting a preaward survey in accordance with FAR 9.106.

## PART 2--SCORING SYSTEM

Point    Points

Range    Assigned

1. Policy statement or evidence of internal guidance to 0-5 company buyers recognizing commitment to Pub.L. 99-661, Section 1207, and Pub.L. 100-180, Section 806.

0    No written policy statement in plan.

1-2    Plan includes a general policy, but no evidence of recognition of special emphasis being placed on subcontracting with SDBs, HBCUs, MIs or Tribal Colleges (TC) as a result of Pub.L.s.

3-5    Definitive corporate and management commitment evidenced in individual plan and master plan by specifically referencing the Pub.L.s.

Point    Points

Range    Assigned

2. Efforts to broaden small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns active vendor base. 0-10 (FAR 19.704(a), 52.219-9(d), DFARS Subpart 219.5, 219.704(a)(1), 219.705 and 252.219-7003)

0    Description of efforts merely parrots requirements of FAR to maintain listing of vendors.

1-2    Contains evidence that effort is directed at increasing subcontracts to small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns for non-complex and general housekeeping supplies or services normally awarded to firms already in existing vendor base.

3-10    Addresses efforts to increase the number of small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns sources awarded subcontracts, establishes plans to use competition restricted to SDBs and gives details about how plans to use competition restricted to SDBs will be accomplished. (DFARS 219.705-4 and Subpart 219.5)

NOTE: After scoring the plan to this point, if zero points have been assigned for Element 2, proceed to Item 3, Outreach. If one or more points have been assigned for this Element 2, proceed to evaluation of the subelements labeled "minus 2" and "minus 3" to determine if points assigned so far must be reduced. Do not reduce points already assigned to less than zero. (No

negative points are to be entered under "Points Assigned" for any Element.) These negative scores are additive; if both of the subelements apply, then minus five points are assessed to reduce points already assigned under this element 2.

minus 2 Includes efforts described above which rate 1-2 or 3-10 points but, when it would be appropriate, does not address effort to involve HBCUs, MIs or TIs in performing the contract for which the subcontracting plan is submitted. (DFARS 219.704(a)(1) and 219.705-4(d))

minus 3 Includes efforts described above which rate 1-2 or 3-10 points but does not address effort to identify and overcome obstacles which may prohibit award to HBCU, MI or TI sources currently in vendor base.

Point Points

Range Assigned

3. Outreach (ongoing and planned actions) (FAR 19.704(a), 0-10 19.705-4, 52.219-9(d) and 52.219-9(e), DFARS 219.705).

0 No mention of outreach.

1-4 Describes efforts to work with organizations in FAR 52.219-9(d)(11)(iv) to identify potential sources for items not traditionally awarded to small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. (FAR 52.219-9(d)(11)(iv) and 52.219-9(e))

5-10 Indicates intent to conduct reviews to determine the competence, ability, experience and capacity available in small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns and to provide technical assistance to small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns or explains why such reviews or technical assistance are not appropriate. (FAR 19.705-4(c) and 52.219-9(e))

NOTE: After scoring the plan to this point, if zero points have been assigned for Element 3, proceed to Item 4, Description of supplies and services. If one or more points have been assigned for this Element 3, proceed to evaluation of the subelement labeled "minus 3" to determine if points assigned so far must be reduced. Do not reduce points already assigned to less than zero. (No negative points are to be entered under "Points Assigned" for any Element.)

minus 3 Fails to indicate the extent to which HBCU, MI or TI participation will be considered and facilitated in performing the contract for which the subcontracting plan is submitted, or fails to indicate other efforts to increase HBCU, MI or TI participation in future DoD acquisitions. (DFARS 219.705-4(d))

Point Points



Range    Assigned

4. Describes supplies and services to be subcontracted and 0-10 planned for subcontracting to small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, HBCUs, MIs or TIs. (FAR 19.705-4(d), 52.219-9(d)(3), 52.219-9(e) and DFARS 219.705).

0    No mention.

1-4    Generic list of routine supplies and services included in materials listing for the specific contract.

5-7    Indicates intent to review major product/system components and key project elements of R&D, construction, service and spare parts contracts for subcontracting to small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, and HBCUs, MIs or TIs. (FAR 19.705-4(d)(3) and (4), 52.219-9(c)(1) and (2) and DFARS 219.705)

8-10    Substantive plan actually targets specific small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, and HCBUs, MIs or TIs for review to determine their competence, ability, experience and capacity and identifies specific components or major portions of the acquisition for consideration of SB, SDB, HBCU, MI or TI competition. Also, indicates intent to work with large business subcontractors for major subsystems or key project elements to ensure "flowdown" of this philosophy. (FAR 19.705-4(d) and DFARS 219.705)

Point    Points

Range    Assigned

5. Describes specific efforts, based on results of efforts 0-15 described in Elements No. 3 and No. 4 to ensure that small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, and HBCUs, MIs or TIs have equitable opportunity to participate in acquisitions. (FAR 19.704(a), 19.705-4, 52.219-9(d) and DFARS 219.705).

0    No mention.

1-4    Description of efforts merely parrots FAR 19.704(a)(3) and (6) and 52.219-9(d)(8).

5-8    Describes how the company intends to evaluate its own small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns award performance and program effectiveness against the established goals, both company-wide and for the individual plan being negotiated. (FAR 19.704(a)(1) and (6) and 52.219-9(d)(11)(v))

9-12 Includes small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, and HBCUs, MIs or TIs by name as members of original team for producing specific major components or subassemblies, providing a major service or performing a significant portion of the effort. (DFARS 219.705-2(d))

13-15 Describes special efforts to establish long-range relationships with small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, and HBCUs, MIs or TIs, including leader-follower techniques, when appropriate. (FAR 19.705-4(d)(4) and DFARS 219.705-2(d).

Point Points

Range Assigned

6. Development of percentage goal is based on planned 0-40 subcontracting which is challenging, yet realistic. (FAR 19.705-4(d), DFARS 219.704(a)(1) and 219.705-4).

0 Fails to include a specific goal for subcontracting with small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, and HBCUs, MIs or TIs, or proposes zero percent goal without substantive justification.

1-5 Sets small business goal of less than 10 percent and/or, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns /HBCU/MI/TI goals of two percent or less with no significant justification.

6-10 Sets goals of less than 10 percent (SB) and 2 percent (SDB), but contractor shows evidence of reasonable effort, including use of set-asides, to involve small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, and HBCUs, MIs or TIs in non-traditional areas.

11-20 Sets goals of over 10 percent (SB) and over 2 percent (SDB), and also identifies specific small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns, and HBCUs, MIs or TIs planned to be subcontractors, including the item or service or effort to be subcontracted. Indicates extent to which firms have participated in proposal preparation or otherwise indicates extent to which subcontracting to these firms may reasonably be assured. Goals are realistic in view of actions stated in other portions of the plan and make-or-buy plan, if applicable.

21-30 Same as for 11-20 points, but proposed percent of goal is reasonable in comparison with prior experience, yet indicates reasonable effort to improve on past experience in terms of dollars, number of SDBs, HBCUs, MIs or TIs involved, and movement into area without previous SDB, HBCU or MI involvement.



31-40 Same as 21-30 points, but includes evidence that if SBs, universities or institutions other than HBCUs, MIs or TIs are performing on a major component or subassembly, providing a major service or performing on a key project element, SDBs, HBCUs, MIs or TIs will also be given an opportunity to perform. Also, the percentage of the SDB, HBCU, MI and TI goal compares favorably with the percentage of SB goal, consistent with the Government-wide goals of 23 percent to SB, five percent to SDB, or is otherwise explained, and the plan includes a forecast for improvement. (The SB and SDB goals in the subcontracting plan should approximate the ratio between the SB and SDB Government-wide goals.)

Point Points

Range Assigned

#### 7. Past performance. 0-10

Extent to which the company has historically been successful in establishing realistic, yet challenging, goals and achieving them.

Consider DCMC comments on prime contractor's justifications for prior failure to achieve goals. To avoid penalizing the contractor when there has been no previous defense contract, assign 10 points. (FAR 19.705-4(d)(1) and (d)(2)(iii), 19.706 and DFARS 219.706).

#### 8. Other regulatory and statutory requirements.

If any of the following are answered "NO," the plan is not acceptable and must be revised to comply prior to award:

Does the plan have--

A. A separate goal for small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns? (FAR 19.704(a)(1) and FAR 52.219-9(d)(1) and (2))

YES NO

B. A separate goal for the basic contract and, if applicable, each option? (FAR 19.704(c))

YES NO

C. The name of the company employee responsible for administration of plan and employee's duties? (FAR 19.704(a)(2) and 52.219-9(d)(7))

YES NO

D. A statement affirming intent to comply with subcontracting "flowdown" provisions? (FAR 19.704(a)(4) and 52.219-9(d)(10))

YES NO

E. A statement affirming willingness to cooperate in studies and to provide reports? (FAR 19.704(a)(5) and 52.219-9(d)(10))

YES NO

F. A statement that indirect costs are either included or excluded from the proposed goals and, if included, how they will be prorated? (FAR 52.219-9(d)(6))

YES NO

G. A description of efforts to ensure that small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns have an equitable opportunity to participate in the acquisition? (FAR 52.219-9(d)(8))

YES NO

H. A recitation of the types of records maintained to demonstrate procedures adopted to comply with the requirements and goal in the plan? (FAR 52.219-9(d)(11))

YES NO